

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEWITT THOMAS SMITH, JR.,

Plaintiff,

v.

WARDEN, et al.,

Defendants.

CIVIL ACTION NO. 3:06-CV-01319

(JUDGE CAPUTO)

MEMORANDUM

Plaintiff Dewitt Thomas Smith, Jr., filed the present action on July 5, 2006. (Doc. 1.) Plaintiff has not paid the filing fee. On February 10, 2003, in connection with another case, the Court prohibited Mr. Smith from filing any new actions *in forma pauperis* unless he met the statutory exceptions outlined in 28 U.S.C. § 1915(g). *Smith v. Equil Bank & President*, No. 3:03-CV-0006 (M.D. Pa. Feb. 10, 2003). The Court reiterated the prohibition on October 25, 2004. *Smith v. United States Army*, No. 3:04-CV-2308 (M.D. Pa. Oct. 25, 2004). In the present action, Mr. Smith has not alleged any imminent danger of serious physical injury. As such, the Court finds that, consistent with its previous Orders and § 1915(g), Mr. Smith does not qualify for *in forma pauperis* status. Accordingly, the Plaintiff is required to pay any required filing fees.

An appropriate Order shall follow.

July 12, 2006
Date

A. Richard Caputo
A. Richard Caputo
United States District Judge

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Plaintiff

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NO. 3:06-CV-01319

(JUDGE CAPUTO)

ORDER

NOW, this 12th day of July, 2006, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff has thirty (30) days to pay the filing fee.
- (2) The Clerk of the Court shall mark this case **CLOSED** if payment is not received within thirty (30) days of the date of this Order.



A. Richard Caputo
United States District Judge